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**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation & Petition to  
Revoke Probation Against:

TELLY SAVALAS HUGHES  
P.O. Box 214  
San Ramon, CA 94583

Respiratory Care Practitioner License No. 20040

Respondent.

Case No. R-2087

**ACCUSATION  
AND  
PETITION TO REVOKE  
PROBATION**

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Accusation and Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs.

2. On or about April 27, 1998, the Respiratory Care Board issued Respiratory Care Practitioner License Number 20040 to Telly Savalas Hughes (Respondent). The Respiratory Care Practitioner License was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2008, unless renewed.

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1                   8.       Section 3750.5 of the Code states:

2                    "In addition to any other grounds specified in this chapter, the board may deny,  
3 suspend, or revoke the license of any applicant or license holder who has done any of the  
4 following:

5                    "(a) Obtained or possessed in violation of law, or except as directed by a licensed  
6 physician and surgeon, dentist, or podiatrist administered to himself or herself, or furnished or  
7 administered to another, any controlled substances as defined in Division 10 (commencing with  
8 Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 2  
9 (commencing with section 4015) of Chapter 9."

10                   "(b) Used any controlled substance as defined in Division 10 (commencing with  
11 Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 2  
12 (commencing with section 4015) of Chapter 9. "

13                   "(d) Been convicted of a criminal offense involving the consumption or  
14 self-administration of any of the substances described in subdivisions (a) and (b), or the  
15 possession of, or falsification of a record pertaining to, the substances described in subdivision  
16 (a), in which event the record of the conviction is conclusive evidence thereof."

17                   "(e) Been committed or confined by a court of competent jurisdiction for  
18 intemperate use of or addiction to the use of any of the substances described in subdivisions (a),  
19 (b), and (c) in which event the court order of commitment or confinement is prima facie evidence  
20 of that commitment or confinement."

21                   9.       Section 3752 of the Code states:

22                    "A plea or verdict of guilty or a conviction following a plea of nolo contendere  
23 made to a charge of any offense which substantially relates to the qualifications,  
24 functions, or duties of a respiratory care practitioner is deemed to be a conviction within  
25 the meaning of this article. The board shall order the license suspended or revoked, or  
26 may decline to issue a license, when the time for appeal has elapsed, or the judgment of  
27 conviction has been affirmed on appeal or when an order granting probation is made  
28 suspending the imposition of sentence, irrespective of a subsequent order under Section

1 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to  
2 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the  
3 accusation, information, or indictment.”

4 10. California Code of Regulations, title 16, section 1399.370, states:

5 “For the purposes of denial, suspension, or revocation of a license, a crime or act  
6 shall be considered to be substantially related to the qualifications, functions or duties of  
7 a respiratory care practitioner, if it evidences present or potential unfitness of a licensee to  
8 perform the functions authorized by his or her license or in a manner inconsistent with the  
9 public health, safety, or welfare. Such crimes or acts shall include but not be limited to  
10 those involving the following:

11 “(a) Violating or attempting to violate, directly or indirectly, or assisting or  
12 abetting the violation of or conspiring to violate any provision or term of the Act.”

### 13 COST RECOVERY

14 11. Section 3753.5, subdivision (a) of the Code states:

15 "In any order issued in resolution of a disciplinary proceeding before the board,  
16 the board or the administrative law judge may direct any practitioner or applicant found to have  
17 committed a violation or violations of law to pay to the board a sum not to exceed the costs of the  
18 investigation and prosecution of the case."

19 12. Section 3753.7 of the Code states:

20 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall  
21 include attorney general or other prosecuting attorney fees, expert witness fees, and other  
22 administrative, filing, and service fees."

23 13. Section 3753.1 of the Code states:

24 "(a) An administrative disciplinary decision imposing terms of probation may  
25 include, among other things, a requirement that the licensee-probationer pay the monetary costs  
26 associated with monitoring the probation. "

### 27 FIRST CAUSE FOR DISCIPLINE

28 (Conviction)

1                   14.     Respondent is subject to disciplinary action under sections 3750(d), 3752,  
2     3750.5(a), 3750.5(b), 3750.5(d) and 3750.5(e), CCR 1399.370(a) in that he was convicted of a  
3     violation of Health & Safety code section 11377(a), possession of a controlled substance,  
4     methamphetamine.

5                   15.     On or about December 21, 2006, at about 12:13 a.m., Tracy Police  
6     Officers Beukelman and Kootstra investigated a report of a disturbance. Dispatch stated that a  
7     man in a black jacket and wearing a beanie was in the parking lot of a Denny's restaurant and had  
8     been harassing waitresses in the restaurant. Officer Beukelman contacted respondent, who  
9     matched the description provided. Respondent was on searchable probation. Officer Kootstra  
10    conducted the search, and found a glass pipe and a clear plastic baggie with a white crystal  
11    substance in respondent's pants pockets. The pipe had white residue, and based on the officer's  
12    training and experience, he suspected the substance in the pipe and baggie to be  
13    methamphetamine. Respondent was arrested for violating Health & Safety code section  
14    11377(a), possession of a controlled substance, methamphetamine, and Health & Safety code  
15    section 11364, possession of drug paraphernalia.

16                  16.     Respondent was advised of his rights per the Miranda case, and he waived  
17    his rights. Respondent stated that the white substance in the pipe and baggie was  
18    methamphetamine, and it belonged to a friend, who left it at respondent's home. The substance  
19    in the baggie weighed .61 grams gross, and a toxicology report found that it contained .39 grams  
20    net weight methamphetamine.

21                  17.     On or about December 26, 2006, a criminal complaint titled *People of the*  
22    *State of California vs. Telly Savalas Hughes*, case no. TP06-12372 was filed in Superior Court,  
23    San Joaquin County. Count 1 charged a misdemeanor violation of Health & Safety code section  
24    11377(a), possession of a controlled substance, methamphetamine. Count 2 charged a violation  
25    of Health & Safety code section 11364, possession of drug paraphernalia.

26                  18.     On or about May 24, 2007, respondent entered a plea of nolo contendere to  
27    Count 1, Health & Safety code section 11377(a), possession of a controlled substance and Count  
28    2 was dismissed. He was granted deferred entry of judgment for eighteen months.

1                                    SECOND CAUSE FOR REVOCATION OF PROBATION

2                                    (Biological fluid testing)

3                    19.      Respondent's probation is subject to revocation because he failed to  
4 comply with Condition 2 of the Order in case no. R-2042, which states that "Respondent, at his  
5 86expense, shall participate in random testing, including, but not limited to, biological fluid  
6 testing..."

7                    20.      Respondent is required to participate in the Board's random testing  
8 program, which is administered by Compass Vision Inc. (CVI). Respondent was provided with  
9 information stating that he was required to telephone CVI on a daily basis and if selected, to  
10 report to a testing center and provide a specimen for testing and analysis. Respondent was  
11 selected for random testing and failed to appear for testing on the following dates in 2007:  
12 February 27, March 26, April 12, April 20, April 30 and May 29.

13                                    THIRD CAUSE FOR REVOCATION OF PROBATION

14                                    (Obey all laws)

15                    21.      Respondent's probation is subject to revocation because he failed to  
16 comply with Condition 6 of the Order in case no. R-2042, which states that "Respondent shall  
17 obey all laws, whether federal, state or local."

18                    22.      Respondent is in violation of this condition because he was convicted of  
19 violating Health and Safety Code section 11377 on May 24, 2007.

20                                    FOURTH CAUSE FOR REVOCATION OF PROBATION

21                                    (File quarterly reports)

22                    23.      Respondent's probation is subject to revocation because he failed to  
23 comply with Condition 7 of the Order in case no. R-2042, which states that "Respondent shall  
24 file quarterly reports of compliance under penalty of perjury, on forms to be provided to the  
25 probation monitor assigned by the Board."

26                    24.      Respondent failed to submit quarterly reports of compliance forms for the  
27 reporting period November 20 - December 31, 2006 due January 7, 2007 and he did not submit a  
28 form for reporting period January 1 - March 31, 2007 due no later than April 7, 2007.

1 FIFTH CAUSE FOR REVOCATION OF PROBATION

2 (Probation monitoring program)

3 25. Respondent's probation is subject to revocation because he failed to  
4 comply with Condition 8 of the Order in case no. R-2042, which states that "Respondent shall  
5 comply with requirements of the Board appointed probation monitoring program..."

6 26. From February 15 through June 6, 12, 13, 19 and 23, 2007, Respondent  
7 has failed to telephone CVI on ninety three days to determine if he was chosen for biological  
8 fluid testing.

9 SIXTH CAUSE FOR REVOCATION OF PROBATION

10 (Probation monitoring costs)

11 27. Respondent's probation is subject to revocation because he failed to  
12 comply with Condition 9 of the Order in case no. R-2042, which states that "All costs incurred  
13 for probation monitoring during the entire probation shall be paid by the Respondent."

14 28. Respondent has failed to submit any payments to the Board and currently  
15 owes \$700.00 for payments due for November 2006 through June 2007.

16 SEVENTH CAUSE FOR REVOCATION OF PROBATION

17 (Pay cost recovery)

18 29. Respondent's probation is subject to revocation because he failed to  
19 comply with Condition 13 of the Order in case no. R-2042, which states that "Respondent shall  
20 pay to the Board a sum not to exceed the costs of the investigation and prosecution of this case.  
21 That sum shall be \$3,075.50 (three thousand seventy five dollars and fifty cents) and shall be  
22 paid in full directly to the Board, in equal quarterly payments, within 12 months from the  
23 effective date of this decision."

24 30. Respondent has failed to pay cost recovery and currently owes \$1,537.76.

25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
27 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

28 1. Revoking Respiratory Care Practitioner License No. 20040 issued to Telly

1 Savalas Hughes;

2                   2       Revoking probation that was granted in case no. R-2042;

3                   3.       Ordering Telly Savalas Hughes to pay the Respiratory Care Board the  
4 costs of the investigation and enforcement of this case, and if probation is continued, the costs of  
5 probation monitoring;

6                   4.       Taking such other and further action as deemed necessary and proper.

7  
8 DATED: June 26, 2007

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10                                   Original signed by Liane Zimmerman for:  
11                                   STEPHANIE NUNEZ  
12                                   Executive Officer  
13                                   Respiratory Care Board of California  
14                                   Department of Consumer Affairs  
15                                   State of California  
16                                   Complainant  
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